

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF TEXAS  
CORPUS CHRISTI DIVISION

UNITED STATES OF AMERICA,	§	
Plaintiff,	§	
v.	§	CIVIL ACTION NO. 2:23-cv-00033
	§	
2016 KENWORTH TRACTOR,	§	
VIN NO. 1XKYD49XXGJ487814	§	
	§	
And	§	
	§	
2008 UTILITY TRAILER,	§	
VIN NO. 1UYVS25338U535229	§	
	§	
Defendants.	§	

**VERIFIED COMPLAINT FOR CIVIL FORFEITURE IN REM AND NOTICE TO  
POTENTIAL CLAIMANTS**

**COMES NOW** the United States of America, Plaintiff, by and through the United States Attorney for the Southern District of Texas and the undersigned Assistant United States Attorney, and files this action for forfeiture against a 2016 KENWORTH TRACTOR, VIN NO. 1XKYD49XXGJ487814, and a 2008 UTILITY TRAILER, VIN NO. 1UYVS25338U535229. The United States alleges on information and belief:

**NATURE OF ACTION**

This is an action to forfeit property to the United States pursuant to 8 U.S.C. § 1324(b)(1).

**DEFENDANT PROPERTY**

1. The Defendants are a 2016 KENWORTH TRACTOR, VIN NO. 1XKYD49XXGJ487814 (hereinafter “Defendant Tractor”), and a 2008 UTILITY TRAILER, VIN NO. 1UYVS25338U535229 (hereinafter “Defendant Trailer”). On or about November 29, 2022, agents with the United States Customs and Border Patrol (hereinafter “CBP”) seized the

Defendant Tractor and Defendant Trailer from a location north of the Falfurrias United States Border Patrol Checkpoint (hereinafter the “Checkpoint”).

### **JURISDICTION AND VENUE**

2. Jurisdiction is conferred upon this Court by virtue of Title 28, United States Code §§ 1345 and 1355.

3. Venue is proper in this Court pursuant to 28 U.S.C. §§ 1355(b)(1), 1391(b), and 1395. The Defendant Tractor and Defendant Trailer are within the jurisdiction of the Court, having been seized by CBP agents on November 29, 2022, along the highway north of the Checkpoint within the Southern District of Texas.

### **STATUTORY BASIS FOR FORFEITURE**

4. Defendant Tractor and Defendant Trailer are subject to forfeiture under 8 U.S.C. § 1324(b)(1), which provides for the forfeiture of any conveyance that has been used or is being used in the commission of a violation of § 1324 (being the unlawful bringing in, transporting, and harboring of undocumented aliens), the gross proceeds of such violation, and any property traceable to such conveyance or proceeds.

### **FACTUAL BASIS FOR FORFEITURE**

5. On November 29, 2022, Ricardo Roque (hereinafter “Roque”) was encountered at the Checkpoint driving the Defendant Tractor, which was pulling the Defendant Trailer. The CBP agent working primary inspection at the Checkpoint contacted Roque upon his arrival at the Checkpoint. While Roque was being questioned, a K-9 handler informed the primary inspection agent of a positive alert to the Defendant Trailer. The primary agent asked Roque what he was hauling, and Roque stated he was hauling tomatoes. Roque stated he had a bill of lading, but never produced it during inspection. Roque then was directed to travel to the secondary inspection area.

6. Roque never stopped in the secondary inspection area, and CBP agents drove north from the Checkpoint to intercept Roque. CBP agents found the Defendant Tractor and Defendant Trailer parked on the side of the highway north of the Checkpoint but south of Premont, Texas. Roque had absconded and fled into the brush east of the highway. CBP agents opened the Defendant Trailer and found ten individuals inside. It was determined that all ten individuals in the trailer were non-citizens and illegally present in the United States.

7. Hours later, CBP agents found Roque hiding in the brush in the vicinity of the Defendant Tractor and Defendant Trailer. When asked if he was the driver of the Defendant Tractor and Defendant Trailer, Roque asked “como esta la gente en la traila,” (how are the people in the trailer). Roque was returned to the Checkpoint, and the primary inspection agent identified Roque as the driver of the Defendant Tractor and Defendant Trailer.

8. On December 22, 2022, Roque was indicted with two counts of transporting illegal aliens, in violation of 8 U.S.C. §§ 1324(a)(1)(A)(ii), 1324(a)(1)(A)(v)(II), and 1324(a)(1)(B)(ii), in the United States District Court for the Southern District of Texas, Case No. 2:22-CR-818.

### **CONCLUSION**

The Defendant Tractor and Defendant Trailer are conveyances that were used in the commission of a violation of § 1324, are the gross proceeds of such violation, or are items of property traceable to such conveyances.

### **NOTICE TO ANY POTENTIAL CLAIMANT**

YOU ARE HEREBY NOTIFIED if you assert an interest in the property subject to forfeiture and want to contest the forfeiture, you must file a verified claim which fulfills the requirements set forth in Rule G of the Supplemental Rules for Admiralty or Maritime

Claims and Asset Forfeiture Actions. The verified claim must be filed no later than thirty-five (35) days from the date this complaint is sent, in accordance with Rule G(5).

An answer or motion under Fed.R.Civ.P. 12 must be filed no later than twenty-one (21) days after filing the claim. The claim and answer must be filed with the United States District Clerk for the Southern District of Texas, and a copy must be served upon the undersigned Assistant United States Attorney at the address provided in this complaint.

**WHEREFORE**, the United States of America requests that judgment of forfeiture be entered against the Defendant Tractor and the Defendant Trailer, and for such costs and other relief to which the United States may be entitled.

Respectfully submitted,

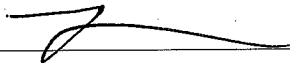
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**VERIFICATION**

I, Hector Villarreal, an agent with the United States Customs and Border Patrol, hereby verify under penalty of perjury, pursuant to 28 U.S.C. § 1746, that the facts set forth in the Factual Basis in the foregoing Complaint for Forfeiture in Rem are true and correct to the best of my knowledge and belief.

Executed on the 25 day of January, 2023.



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